

# EXHIBIT 13

**Fwd: [647A5BPIB6C3BYRZDZH4VLCATQ] New Copyright Counter Notification**

DAVID THOMSON &lt;davidthomsoncsc@gmail.com&gt;

Wed 3/30/2022 5:24 AM

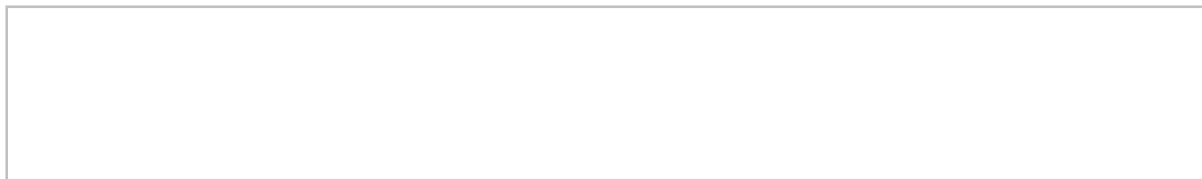
To: Infringements.bungie &lt;Infringements.bungie@cscglobal.com&gt;

----- Forwarded message -----

From: **YouTube Copyright** <[youtube-disputes+293gbxhjffoi0h@google.com](mailto:youtube-disputes+293gbxhjffoi0h@google.com)>

Date: Mon, Mar 28, 2022 at 2:26 AM

Subject: Re: [647A5BPIB6C3BYRZDZH4VLCATQ] New Copyright Counter Notification

To: <[davidthomsoncsc@gmail.com](mailto:davidthomsoncsc@gmail.com)>

We received the attached counter notification in response to a complaint you filed with us.

We're providing you with the counter notification and await evidence (in not more than 10 business days) that you've filed an action seeking a court order against the counter notifier to restrain the allegedly infringing activity. In most cases, such evidence would include a lawsuit against the uploader who filed the counter notification, which names the specific YouTube URL(s) at issue.

Such evidence should be submitted by replying directly to this email. Please do not send your reply to [copyright@youtube.com](mailto:copyright@youtube.com). If we don't receive notice from you, we may reinstate the material to YouTube.

- The YouTube Team

Counter Notification as follows:

Videos included in counter notification:

- <http://www.youtube.com/watch?v=2xATWv5gmUA>
- <http://www.youtube.com/watch?v=7U2WzyA9e-E>
- <http://www.youtube.com/watch?v=GfiqTiTL5k4>
- <http://www.youtube.com/watch?v=JQnbfZbtZ18>
- <http://www.youtube.com/watch?v=QutLxbl5epI>
- <http://www.youtube.com/watch?v=WM7w7EPpwol>
- <http://www.youtube.com/watch?v=Wwten6JYXGs>
- <http://www.youtube.com/watch?v=gn0BALcxSqw>
- <http://www.youtube.com/watch?v=s2RapU40cr4>
- <http://www.youtube.com/watch?v=wXnm2S75v5E>
- [http://www.youtube.com/watch?v=z\\_ff1dCol-o](http://www.youtube.com/watch?v=z_ff1dCol-o)

Display name of uploader: Lord Nazo

Name: Nick Minor

Email: [perfectnazo1@gmail.com](mailto:perfectnazo1@gmail.com)

Address: 6520 Ibis Court, Rocklin, California, 95765

Phone: 916 642-3495

URLs of the videos that were issued takedowns:

<https://www.youtube.com/watch?v=2xATWv5gmUA>

<https://www.youtube.com/watch?v=7U2WzyA9e-E>

<https://www.youtube.com/watch?v=WM7w7EPpwol>

<https://www.youtube.com/watch?v=Wwten6JYXGs>

<https://www.youtube.com/watch?v=wXnm2S75v5E>

<https://www.youtube.com/watch?v=GfiqTiTL5k4>

<https://www.youtube.com/watch?v=JQnbfZbtZ18>

<https://www.youtube.com/watch?v=QutLxbl5epI>

<https://www.youtube.com/watch?v=s2RapU40cr4>

[https://www.youtube.com/watch?v=z\\_ff1dCol-o](https://www.youtube.com/watch?v=z_ff1dCol-o)

<https://www.youtube.com/watch?v=gn0BAIcxsQw>

"I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is located, and will accept service of process from the claimant."

"I swear, under penalty of perjury, that I have a good faith belief that the material was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled."

- Nick Minor

Takedowns were issued on these videos, supposedly on behalf of Bungie Inc., on the basis that using content from Bungie's games violated their trademark. However, Bungie's guidelines from their own website regarding use of their intellectual property state otherwise: "Bungie strongly supports the efforts of our community to produce non-commercial content using video images, footage, music, sounds, dialogue, or other assets from our games..."

(Source: <https://www.bungie.net/7/en/Legal/IntellectualPropertyTrademarks>) The music in these videos are from the game Destiny 2, which is permitted under their guidelines. Seeing as Bungie has been, and still is, supportive of community-made content, it would seem that these copyright takedowns go against their wishes.

Furthermore, as per Bungie's tweet it seems like the claimant, David, has been issuing false copyright takedowns as well:

**"We're aware of a series of copyright takedowns on YouTube and we're actively investigating. This includes content on our own Bungie channels.**

**These actions are NOT being taken at the request of Bungie or our partners.  
Please standby for future updates.**

<http://bungie.ie/3CZAYta>"

- Source: <https://twitter.com/Bungie/status/1505630845993844736>

As stated from Bungie's tweet, these takedowns were NOT made at their request. Plus, I have uploaded these videos for years without any request from Bungie to take them down, and it is even confirmed by Bungie that they did not issue or ask for these takedowns.

I believe these videos were flagged by mistake due to parts of them bearing resemblance to the original music they were derived from. The videos contain self-modified audio track sequences that are used to create custom extended alterations of the original music, which falls under the transformative case of fair use. I'm also not making money off of these videos, they are non-commercial. These videos also don't detract from Bungie making a profit, but rather help gather more interest in their games as I always reference what was used. In addition, I supplemented the videos with my own graphics and followed Bungie's aforementioned guidelines.

I swear, under penalty of perjury, that I have a good faith belief the material was removed due to a mistake or misidentification of the material to be removed or disabled.

I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is located, and will accept service of process from the claimant.

[perfectnazo1@gmail.com](mailto:perfectnazo1@gmail.com)

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